

Memorandum



Date: August 4, 2011
To: Distribution
From: Earl Jones, Deputy Clerk
Subject: Resolutions

Attached are resolution Z-7-11 and the list from the Board of County Commissioners meeting on July 21, 2011.

Please note that resolutions Z-8-11, Z-9-11, and Z-10-11 will be distributed at a later date.

Any missing resolutions must be reported to this office (ext. 2129) no later than five (5) days from the date of this memo.

Attachments

Distribution: Agenda Coordinator's Office - MDC - 11th Floor
Clerk of the Board – Linda Cave, MDC -17th Floor
Property Appraiser – Eugenio Alonso/Angela Hall, MDC - 8th Floor

CLERK OF THE BOARD
2011 AUG -4 PM 4:00
CLERK, CIRCUIT & COUNTY CLERK
MIAMI-DADE COUNTY, FLA.
#1



BOARD OF COUNTY COMMISSIONERS

Hearing Date: JULY 21, 2011**I The Board took the following action on the items listed below**

11-7-CC-2	FONTAINBLEAU LAKES, LLC & FONTAINEBLEAU SINGLE FAMILY HOMES WEST, LLC. Approved per staff with modified conditions	10-188 Z-10-11	05-54-40
11-6-CC-1	ARCHIMEDEAN PROPERTIES, LLC Approved per request	08-175 Z-7-11	25-54-39
11-7-CC-1	SOUTH FLORIDA STADIUM, LLC ET AL Approved per DIC Approved	10-149 Z-9-11 Z-8-11	03-52-41

II Items listed below have been withdrawn or deferred to a later date:

11-3-CC-2	SANTA FE HACIENDAS, LLC & CEMEX CONSTRUCTION MATERIALS FLORIDA, LLC Deferred To Date Certain (10/06/11) Tie vote	09-176	01-55-38
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Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-7-11

WHEREAS, **ARCHIMEDEAN PROPERTIES L. L. C.** applied for the following:

- (1) SPECIAL EXCEPTION to permit the expansion of an existing charter school onto additional property to the northeast.
- (2) SPECIAL EXCEPTION to permit the expansion of the existing charter school from 800 students to 1,300 students in grades K-12.
- (3) MODIFICATION of Condition #6 of Resolution #Z-21-09, passed and adopted by the Board of County Commissioners, and reading as follows:

FROM: "6. That the charter school use be limited to grades Kindergarten through 12th and be limited to a maximum of 800 students."

TO: "6. That the charter school use be limited to grades Kindergarten through 12th and be limited to a maximum of 1,300 students."

- (4) MODIFICATION of Conditions #3, #9 and #11 of Resolution #Z-16-05, last modified by Resolution Z-21-09, passed and adopted by the Board of County Commissioners and reading as follows:

FROM: "3. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Archimedean Academy Inc". Charter School Addition of Grades 9 to 12, as prepared by Anthony E. Tzamtzis, consisting of 4 sheets, dated stamped received 3/31/09."

TO: "3. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Archimedean Academy, Inc. Master Plan for Middle and High School Expansion,' as prepared by Anthony E. Tzamtzis AIA, consisting of 21 sheets dated stamped received April 5, 2011 and a boundary survey as prepared by Delta Surveyors, Inc. consisting of 2 sheets dated stamped received April 12, 2011"

FROM: "9. That night activities and/or functions at the charter school shall be limited to 12 events per year and shall end no later than 10:00 p.m."

TO: "9. That night activities and/or special events at the charter school shall be limited to 24 events per year and shall end no later than 10:00 p.m."

FROM: "11. That the charter school use shall be limited to Grades K-12th grade for a maximum of 800 students."

TO: "11. That the charter school use shall be limited to Grades K-12th grade for a maximum of 1,300 students."

- (5) MODIFICATION of Condition #2 of Resolution Z-31-06 last modified by Resolution Z-21-09 passed and adopted by the Board of County Commissioners, and reading as follows:

FROM: "2. That the charter school use shall be limited to grades K through 12th for a total of 800 students as follows:

Year 1	2006-2007 School Year	addition of 80 students (620 Students)
Year 2	2007-2008 School Year	addition of 60 students (680 Students)
Year 3	2008-2009 School Year	addition of 60 students (740 Students)
Year 4	2009-2010 School Year	addition of 60 students (800 Students)"

TO: "2. That the charter school use shall be limited to grades K through 12th with the expansion from 800 to 1,300 students as follows:

Year 1	2011-2012 School Year	No. of permitted students 800-950
Year 2	2012-2013 School Year	No. of permitted students 950-1100
Year 3	2013-2014 School Year	No. of permitted students 1100-1250
Year 4	2014-2015 School Year	No. of permitted students 1250-1300."

- (6) Deletion of three (3) Declarations of Restrictions Recorded at Official Record Book 23679, Pages 4935-4943, Official Record Book 25853, pages 4991-5006 and Official Record Book 27020, Pages 0954-972.

The purpose of requests #3 - #6 is to permit the applicant to submit revised site plans showing the expansion of the charter school onto additional property and showing additional classroom buildings, to increase the number of students, to increase the number of night activities and functions and to delete three covenants in order to submit one consolidated covenant that encompasses the entire property.

- (7) Applicant is requesting to permit parking on natural terrain (not permitted).

The aforementioned plans are on file and may be examined in the Department of Planning and Zoning. Plans may be modified at public hearing.

SUBJECT PROPERTY: The east ½ of the SE ¼ of the SW ¼ of the SW ¼, less the south 50' thereof, in Section 25, Township 54 South, Range 39 East, together with the west ½ of the SW ¼ of the SE ¼ of the SW ¼ less the South 50' thereof and the south ½ of the south ½ of the NW ¼ of the SE ¼ of the SW ½ less the east 25' of Section 25, Township 54 South, Range 39 East.

LOCATION: 12425 S.W. 72 Street, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Board of County Commissioners was advertised and held, as required by the Zoning Procedure Ordinance, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant had requested a withdrawal of a portion of Item #4 the (number of night activities and or/functions), which pertains to the requested modification of Condition #9 of Resolution #Z-16-05, last modified by Resolution Z-21-09, and at which time the applicant proffered a Declaration of Restrictions which among other things provided:

1. That prior to the submittal of an application for building permit and/or Certificate of Use in connection with the Property, the Owner shall submit a site plan (the "Site Plan") to the County's Department of Planning and Zoning ("Department") and meet with the approval of the Director of the Department. The Site Plan shall include, without limitation, the location of structure or structures, types, sizes and location of signs, light standards, off street parking areas, exits and entrances, drainage, walls, fences, and landscaping.
2. That the Site Plan be in a form which is substantially similar to the Site Plan submitted with the Application, which approved by the Resolution.
3. That the use of the Property be established and maintained substantially in accordance with the certain plan entitled "Archimedean Academy, Inc. Master Plan for Middle and High School Expansion", as prepared by Anthony E. Tzamtzis, AIA, consisting of twenty one (21) sheets, dated stamped received April 12, 2011.
4. That prior to the issuance of a building permit for the Charter School, the Owner shall submit to the Department for its review and approval a landscaping plan that indicates the type and size of plant material to be used on the Property. The plant material shall have been installed in accordance with such landscaping plan prior to the issuance of a certificate of use.
5. That upon compliance with all terms and conditions of the building permit applicable to the Property, the Owner shall obtain a Certificate of Use from (and promptly renew the same annually with) the Department. Such Certificate of Use shall be subject to cancellation upon violation of any of the conditions contained within the building permit.
6. That no outside speakers, other than in connection with emergency systems, shall be permitted on the Property.
7. That the waste pick-up for the Charter School shall be performed by a private commercial entity and shall be limited to pick-up between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, provided that such pick-up shall not be performed during the arrival and dismissal times.

8. That the Charter School gates shall be opened at least thirty (30) minutes prior to the arrival and dismissal times.

9. That the Charter School shall have staggered start and dismissal times as follows:

8:00 a.m.-3:00 p.m	Grades K-5	(Wed. 8:00 a.m.-2:00 p.m.)
8:40 a.m.-4:00 p.m	Grades 6-8	(Wed. 8:40 a.m.-3:00 p.m.)
7:30 a.m.-3:30p.m.	Grades 9-12	(Wed. 7:30 a.m.-2:30 p.m.)

10. That the Charter School use shall be limited to grades K through 12th with the expansion to 1300 students as follows:

Year 1	2011-2012 School Year	No. of permitted students 801-950
Year 3	2012-2013 School Year	No. of permitted students 951-1100
Year 3	2013-2014 School Year	No. of permitted students 1101-1175
Year 4	2014-2015 School Year	No. of permitted students 1176-1250
Year 5	2015-2016 School Year	No. of permitted students 1251-1300

11. That night activities and/or special events at the Charter School shall be limited to twelve (12) events per year and shall end no later than 10:00 p.m.

12. That if the Charter School fails after establishment, the Owner, within thirty-six (36) months of the Charter School's closure, shall:

- a) Cause the Charter School to be in full compliance with all zoning regulations applicable to the Property allowing a use other than the charter school use; or
- b) Transfer the opinion of the Charter School to another charter school operator or to the Miami-Dade County School Board, after securing the necessary approvals from the Miami-Dade County School Board; or
- c) Convert the Charter School to a permitted use within the zoning district applicable to the Property, provided said use has first been authorized through the issuance of the appropriate permits from the Department; or
- d) Secure necessary public hearing approvals to convert the Charter School to a use not otherwise permitted within the zoning district applicable to the Property.

13. That in addition to the foregoing provisions, the Owner agrees to comply with all of the applicable conditions, requirements, recommendations, requests and other provisions of the various departments as contained in the Departmental memoranda, which are part of the record of the Application reviewed by the DIC Executive Council on May 25, 2011 and incorporated herein by reference.

14. That students will not be permitted to drive to, and park at the Charter School.

15. That at the time of Certificate of Use renewal, the applicant shall submit to the Department a letter from the principal of the school detailing the number of students and the grade levels that are currently enrolled in said facility.
16. That access to the Property from 123rd Avenue will be restricted to emergency vehicles only.

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, upon due and proper consideration having been given to the matter and to the recommendation of the Developmental Impact Committee, it is the opinion of this Board that the requested special exceptions to permit the expansion of an existing charter school onto additional property to the northeast (Item #1) and to permit the expansion of the existing charter school from 800 students to 1,300 students in grades K-12 (Item #2), the requested modifications of Condition #6 of Resolution #Z-21-09, passed and adopted by the Board of County Commissioners (Item #3), of Conditions #3 and #11 of Resolution #Z-16-05, last modified by Resolution Z-21-09, passed and adopted by the Board of County Commissioners (Item #4), and of Condition #2 of Resolution Z-31-06 last modified by Resolution Z-21-09 passed and adopted by the Board of County Commissioners on a modified basis to expand the student base from four years to five years (Item #5), the requested deletion of three (3) Declarations of Restrictions Recorded at Official Record Book 23679, Pages 4935-4943, Official Record Book 25853, pages 4991-5006 and Official Record Book 27020, Pages 0954-972 (Item #6), and the request to permit parking on natural terrain (Item #7) would be compatible with the area and its development and would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance and would be consistent with the Comprehensive Development Master Plan, and that the proffered covenant should be

accepted, and that the requested withdrawal of Item #4 the (number of night activities and or/functions), which pertains to the requested modification of Condition #9 of Resolution #Z-16-05, last modified by Resolution Z-21-09 should be granted, and

WHEREAS, a motion to accept the proffered Declaration of Restrictions, to approve Items #1 through 3, to approve a portion of Item #4 (requested modification of Conditions #3 and 11 of Resolution Z-16-05 last modified by Resolution Z-21-09), to approve Items #5 through 7, and to withdraw a portion of Item #4 (requested modification of Condition #9 of Resolution Z-16-05 last modified by Resolution Z-21-09) was offered by Commissioner Sen. Javier D. Souto, seconded by Commissioner Jose "Pepe" Diaz, and upon a poll of the members present the vote was as follows:

Bruno A. Barreiro	aye	Barbara J. Jordan	aye
Lynda Bell	aye	Jean Monestime	aye
Esteban Bovo, Jr.	aye	Dennis C. Moss	aye
Jose "Pepe" Diaz	aye	Rebecca Sosa	absent
Audrey M. Edmonson	aye	Sen. Javier D. Souto	aye
Sally A. Heyman	absent	Xavier L. Suarez	aye
		Joe A. Martinez	aye

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Miami-Dade County, Florida, that the requested special exceptions to permit the expansion of an existing charter school onto additional property to the northeast (Item #1) and to permit the expansion of the existing charter school from 800 students to 1,300 students in grades K-12 (Item #2), the requested modifications of Condition #6 of Resolution #Z-21-09, passed and adopted by the Board of County Commissioners (Item #3), of Conditions #3 and #11 of Resolution #Z-16-05, last modified by Resolution Z-21-09, passed and adopted by the Board of County Commissioners (Item #4), and of Condition #2 of Resolution Z-31-06 last modified by Resolution Z-21-09 passed and adopted by the Board of County Commissioners on a modified basis to expand the student base from four years to five years (Item #5), the requested deletion of three (3) Declarations of Restrictions Recorded at

Official Record Book 23679, Pages 4935-4943, Official Record Book 25853, pages 4991-5006 and Official Record Book 27020, Pages 0954-972 (Item #6), and the request to permit parking on natural terrain (Item #7) be and the same are hereby approved.

BE IT FURTHER RESOLVED that the requested modification of Condition #6 of Resolution #Z-21-09, passed and adopted by the Board of County Commissioners (Item #3), shall read as follows:

6. That the charter school use be limited to grades Kindergarten through 12th and be limited to a maximum of 1,300 students.

BE IT FURTHER RESOLVED that the requested modification of Conditions #3 and #11 of Resolution #Z-16-05, last modified by Resolution Z-21-09, passed and adopted by the Board of County Commissioners (Item #4), shall read as follows:

3. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Archimedean Academy, Inc. Master Plan for Middle and High School Expansion,' as prepared by Anthony E. Tzamtzis AIA, consisting of 21 sheets dated stamped received April 5, 2011 and a boundary survey as prepared by Delta Surveyors, Inc. consisting of 2 sheets dated stamped received April 12, 2011

11. That the charter school use shall be limited to Grades K-12th grade for a maximum of 1,300 students.

BE IT FURTHER RESOLVED that the requested modification of Condition #2 of Resolution Z-31-06 last modified by Resolution Z-21-09 passed and adopted by the Board of County Commissioners on a modified basis to expand the student base from four years to five years (Item #5), shall read as follows:

2. That the charter school use shall be limited to grades K through 12th with the expansion from 800 to 1,300 students as follows:

Year 1	2011-2012 School Year	No. of permitted students 801-950
Year 3	2012-2013 School Year	No. of permitted students 951-1100
Year 3	2013-2014 School Year	No. of permitted students 1101-1175
Year 4	2014-2015 School Year	No. of permitted students 1176-1250
Year 5	2015-2016 School Year	No. of permitted students 1251-1300

BE IT FURTHER RESOLVED, notice is hereby given to the applicant that the request herein constitutes an initial development order and does not constitute a final development order and that one, or more, concurrency determinations will subsequently be required before development will be permitted.

The Director is hereby authorized to make the necessary changes and notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning and to issue all permits in accordance with the terms and conditions of this resolution.

THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED this 21st day of June, 2011, and shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

No. 11-6-CC-1
ej

HARVEY RUVIN, Clerk
Board of County Commissioners
Miami-Dade County, Florida

By DIANE COLLINS
Deputy Clerk

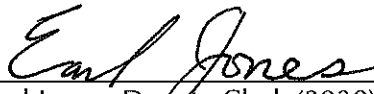
THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 4TH DAY OF AUGUST, 2011.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Deputy Clerk's Name, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. Z-7-11 adopted by said Board of County Commissioners at its meeting held on the 21st day of July, 2011.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 4th day of August, 2011.



Earl Jones, Deputy Clerk (3230)
Miami-Dade County Department of Planning and Zoning

SEAL

